

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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ANGEL RIVERA, )  
Petitioner, )  
 )  
v. )  
 )  
JOHN ASHCROFT, )  
Respondent. )  

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CIVIL ACTION  
NO. 05-10629-JLT

**MOTION TO ORDER PETITIONER TO AMEND PETITION TO SUBSTITUTE  
MICHAEL A. THOMPSON, SUPERINTENDENT OF M.C.I. - SHIRLEY,  
FOR JOHN ASHCROFT, AS RESPONDENT**

Pursuant to Rule 2(a) of the Rules Governing Habeas Corpus Petitions Under Section 2254, undersigned counsel hereby moves this Court to order the petitioner, Angel Rivera, an inmate at the Massachusetts Correctional Institution at Shirley, to amend his habeas corpus petition to substitute Michael A. Thompson for John Ascroft as the respondent.<sup>1</sup> As grounds, undersigned counsel states that the petitioner is presently incarcerated in a Massachusetts Correctional Institution for his Massachusetts state court convictions for multiple counts of rape and abuse of a child, and indecent assault and battery on a child. *See* Habeas Corpus Pet. ¶ 4; Docket Sheets, 05-10629-JLT. Pursuant to Rule 2(a), “[i]f the petitioner is currently in custody under a state-court judgment, the petition must name as respondent the state officer who has custody.” Because Michael A. Thompson is currently the state officer who has custody of the petitioner, Mr. Thompson is the appropriate respondent in this action.

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<sup>1</sup> This motion is not intended to serve as the respondent’s answer or other proper responsive pleading that this Court ordered him to file in its order dated April 4, 2005.

Respectfully submitted,

THOMAS F. REILLY  
Attorney General

/s/ Daniel I. Smulow  
Daniel I. Smulow, BBO # 641668  
Assistant Attorney General  
Criminal Bureau  
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Boston, Massachusetts 02108  
(617) 727-2200, ext. 2949

Date: April 20, 2005

**Certificate of Compliance with Local Rule 7.1(A)(2)**

I am unable to consult with the petitioner because he is presently incarcerated.

/s/ Daniel I. Smulow

**Certificate of Service**

I hereby certify that a true copy of the above document was served on Angel Rivera, M.C.I. - Shirley, P.O. Box 1218, Shirley, MA 01464, by first class mail, postage prepaid, on April 20, 2005.

/s/ Daniel I. Smulow